

REMARKS OF WILLIAM J. CASEY

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BEFORE

THE SOCIETY OF PROFESSIONAL JOURNALISTS

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I AM VERY PLEASED TO SPEAK TO YOU THIS EVENING, OFFICERS, MEMBERS AND GUESTS OF THE SOCIETY OF PROFESSIONAL JOURNALISTS, ABOUT THE EXTREMELY DELICATE AND CRITICAL RELATIONSHIP BETWEEN THE PRESS AND THE INTELLIGENCE COMMUNITY. BUT I WANT TO BE VERY CAREFUL AND PRECISE IN ADDRESSING THIS CONCERN. TOO FREQUENTLY WHEN I SPEAK OF THE DAMAGE FROM PUBLISHING CLASSIFIED INFORMATION, I FIND MYSELF ACCUSED OF WANTING TO DEMOLISH THE FIRST AMENDMENT AND TRYING TO MUZZLE OUR FREE PRESS.

TO AVOID ANY MISUNDERSTANDING, LET ME SAY THAT I CHERISH THE FIRST AMENDMENT AND ADMIRE THE DILIGENCE AND INGENUITY OF THE WORKING PRESS. I APPLAUD YOUR EXPOSURE OF WASTE, INEFFICIENCY, AND CORRUPTION. I SALUTE AND SUPPORT YOUR OBLIGATION TO FERRET OUT AND PUBLISH THE INFORMATION THE PEOPLE NEED TO BE WELL INFORMED ABOUT EVENTS AROUND THE WORLD AS WELL AS THE ACTIVITIES OF THEIR DEMOCRATIC GOVERNMENT. IN THIS, I SPEAK FROM 40 YEARS OF EXPERIENCE AS A FRIEND, A SUPPORTER AND A PARTICIPANT IN THE MEDIA.

SENATOR DURENBERGER TOLD THE NATIONAL PRESS CLUB LAST JUNE THAT 1985 WILL BE REMEMBERED AS THE YEAR OF THE SPY, BUT THAT 1986 WILL BE KNOWN AS THE YEAR OF THE LEAK. HE COULDN'T BE MORE CORRECT. OUR NATION'S SECURITY HAS LITERALLY BEEN HEMORRHAGING AS SENSITIVE CLASSIFIED INFORMATION CONTINUALLY APPEARS IN THE WORLD MEDIA.

AND MAKE NO MISTAKE ABOUT IT. THE PUBLICATION OF THESE SECRETS HAS CAUSED GREAT DAMAGE TO OUR ABILITY TO COLLECT INTELLIGENCE ABOUT THE INTENTIONS, PLANS AND ACTIVITIES OF THOSE WHO WORK AGAINST OUR NATION'S INTERESTS--BE THEY SOVIETS, TERRORISTS, OR DRUG DEALERS. IT IS VITAL THAT THE PRESS AND THE PUBLIC UNDERSTAND WHAT IS GOING ON, WHY IT IS HAPPENING, AND WHAT NEEDS TO BE DONE ABOUT IT.

OUR COUNTRY HAS INVESTED MANY YEARS OF EFFORT, THE TALENT OF HUNDREDS OF THOUSANDS OF OUR CITIZENS, AND BILLIONS OF DOLLARS ON INTELLIGENCE. AND THE NATION HAS GOTTEN AN EXCELLENT RETURN ON ITS INVESTMENT. WE HAVE AND CONTINUE TO DEVELOP METHODS OF COLLECTING THE INFORMATION NEEDED TO ASSESS MISSILES AND OTHER WEAPONS AIMED AT US, DETERMINE THE INTENTIONS AND VULNERABILITIES OF OUR ADVERSARIES SO THAT WE CAN RESPOND WITH EFFECTIVE DEFENSES AND COUNTERMEASURES, PROTECT OUR CITIZENS AND INSTALLATIONS AROUND THE WORLD FROM TERRORISM, AND ASSIST OUR DIPLOMATS AND POLICYMAKERS BY TELLING THEM THE COLD HARD TRUTH ABOUT EVENTS AROUND THE WORLD THAT AFFECT U.S. INTERESTS. GOOD INTELLIGENCE IS CRITICAL TO OUR NATIONAL SECURITY, CRITICAL TO OUR HOPES OF EFFECTIVE ARMS CONTROL, AND CRITICAL TO THE SAFETY AND LIBERTY OF OUR CITIZENS.

FOR THE PAST FIVE YEARS IT HAS BEEN MY RESPONSIBILITY AND MY PLEASURE TO DIRECT AND COORDINATE THE INTELLIGENCE EFFORT THAT IS OUR COUNTRY'S FIRST LINE OF DEFENSE. OUR INTELLIGENCE

ORGANIZATIONS COLLECT INFORMATION OF INTEREST TO U.S. POLICYMAKERS THROUGH SENSITIVE DEALINGS WITH PEOPLE AROUND THE WORLD WHO WANT TO HELP US, SOMETIMES AT GREAT RISK, ALSO THROUGH A VARIETY OF ADVANCED TECHNOLOGICAL SYSTEMS, AND ALSO THROUGH THE COOPERATIVE EFFORTS OF OUR ALLIES. IF THE DETAILS OF HOW WE COLLECT INTELLIGENCE ARE PUBLICIZED OR CAN BE DEDUCED THROUGH THE INFORMATION THESE SOURCES PROVIDE, THE AGENTS WILL BE ARRESTED AND PERHAPS EXECUTED, OUR ADVERSARIES WILL TAKE STEPS TO NEUTRALIZE OUR TECHNICAL COLLECTION CAPABILITIES, AND OUR ALLIES AS THEY LOSE CONFIDENCE IN OUR ABILITY TO PROTECT THEIR INFORMATION WILL REFUSE TO SHARE IT WITH US. SECRECY AND CONFIDENTIALITY ABOUT HOW AND THROUGH WHOM WE COLLECT INFORMATION IS ESSENTIAL TO OUR EFFECTIVENESS.

TO PROTECT OUR NATIONAL SECURITY AND OUR INTELLIGENCE SOURCES, WE MUST CLASSIFY AND RESTRICT THE CIRCULATION NOT ONLY OF INFORMATION ABOUT HOW AND WHERE WE COLLECT INTELLIGENCE BUT OF THE REPORTS AND ASSESSMENTS BASED ON THAT INTELLIGENCE IF THEY MIGHT REVEAL OR COMPROMISE OUR SOURCES AND METHODS. THE KGB AND OTHER HOSTILE INTELLIGENCE SERVICES EACH YEAR SPEND BILLIONS OF DOLLARS TRYING TO ACQUIRE THIS INFORMATION. BUT THE UNAUTHORIZED PUBLICATION OF RESTRICTED INFORMATION HANDS TO OUR ADVERSARIES ON A SILVER PLATTER INFORMATION THAT THEIR SPIES, THEIR RESEARCHERS, AND THEIR SATELLITES ARE WORKING 24 HOURS A DAY TO UNCOVER AND USE AGAINST US.

WE HAVE CLEARLY REACHED THE POINT WHERE WE MUST ADDRESS THIS RISK TO OUR FUNDAMENTAL SECURITY. THE WAY TO BEGIN IS TO LAY OUT WHAT IS HAPPENING IN AN UNVARNISHED WAY. IT IS DIFFICULT TO DISCUSS THE SPECIFIC DAMAGE TO THIS NATION'S ABILITY TO PROTECT ITSELF WITHOUT CONFIRMING THE ACCURACY OF INFORMATION WHICH HAS BEEN DELIVERED THROUGH THE MEDIA AND REMOVING ANY DOUBTS THAT MIGHT REMAIN IN THE MINDS OF THE KGB OR THE TERRORISTS. I CAN SAY THAT SOME OF OUR SOURCES HAVE NOT BEEN HEARD FROM AFTER THEIR INFORMATION HAS BEEN PUBLISHED IN THE U.S. PRESS. OTHERS HAVE DECIDED THAT COOPERATING WITH US IS TOO RISKY. LEADERS AND INTELLIGENCE SERVICES OF OUR CLOSEST ALLIES HAVE TOLD US THAT IF WE CAN'T TIGHTEN UP, THEY WILL HAVE TO PULL BACK ON COOPERATION WITH US BECAUSE THEY HAVE HAD ENOUGH OF READING THE INFORMATION THEY PROVIDE IN THE U.S. MEDIA.

HOW CAN WE REGAIN CONTROL OF OUR NATIONAL SECRETS? WE MUST TIGHTEN DISCIPLINE AMONG U.S. GOVERNMENT EMPLOYEES WHO USE CLASSIFIED INFORMATION. WE MUST DEVELOP BETTER COOPERATION BETWEEN THE MEDIA AND THE GOVERNMENT ON STORIES WHICH PUT INTELLIGENCE SOURCES AND METHODS AT RISK. WE MUST ESTABLISH THAT RESTRICTIONS ON THE MISUSE OF SENSITIVE AND PROPERLY CLASSIFIED INFORMATION CANNOT BE VIOLATED WITH IMPUNITY. WE MUST ENFORCE AND PERHAPS TIGHTEN LAWS CONGRESS HAS ENACTED TO PROTECT CLASSIFIED INFORMATION.

THE MOST EFFECTIVE WAY OF PREVENTING DAMAGE FROM LEAKS IS TO INCREASE DISCIPLINE WITHIN THE GOVERNMENT. THE INABILITY TO CONTROL SENSITIVE INFORMATION IS DESTRUCTIVE OF THE MORALE OF PEOPLE WHO DO KEEP SECRETS, AS WELL AS DAMAGING TO OUR SECURITY. THE PRESIDENT HAS RE-EMPHASIZED THE SPECIAL OBLIGATION FEDERAL WORKERS HAVE TO PROTECT THE CLASSIFIED INFORMATION WITH WHICH THEY ARE ENTRUSTED. EFFORTS TO UNCOVER AND DISCIPLINE THOSE WHO VIOLATE THIS TRUST NEED TO BE STRENGTHENED. NEW LAWS MAY BE NEEDED TO DEAL WITH FEDERAL EMPLOYEES WHO DECIDE ON THEIR OWN TO DISCLOSE CLASSIFIED INFORMATION.

THE GOVERNMENT OFFICIAL, MILITARY OFFICER OR CONTRACTOR EMPLOYEE WHO HAS BEEN CLEARED FOR ACCESS TO CLASSIFIED MATERIAL IS RESPONSIBLE FOR KEEPING THE SECRETS HE IS GIVEN. THERE IS NO ROOM FOR DOUBT ABOUT THIS. EACH PERSON WHO IS CLEARED MUST SIGN A NONDISCLOSURE AGREEMENT WHICH SPELLS OUT HIS OR HER RESPONSIBILITIES IN SIGNIFICANT DETAIL. WHEN THESE INDIVIDUALS DISCUSS CLASSIFIED INFORMATION WITH UNAUTHORIZED PERSONS, THERE IS LITTLE LIKELIHOOD THAT THEY DO NOT UNDERSTAND WHAT THEY ARE DOING. STILL, WE HAVE ALLOWED AN ATMOSPHERE TO DEVELOP WHERE MANY BELIEVE THERE IS LITTLE RISK AND NO PENALTY FOR VIOLATING THE TRUST PLACED IN THEM BY THEIR NATION.

WITHIN THE GOVERNMENT, THE EFFORT TO STOP AND PENALIZE THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INTELLIGENCE HAS BEEN WEAK AND FRAGMENTED. IT NEEDS TO BE TIGHTENED UP AND SPEEDED UP.

UNAUTHORIZED DISCLOSURES NEED TO BE IDENTIFIED AS SOON AS THEY ARE PUBLISHED. INVESTIGATIONS MUST BE SWIFT AND THOROUGH. DISCIPLINARY ACTION APPROPRIATE TO THE VIOLATION NEEDS TO BE APPLIED TO DETER OTHERS FROM SIMILAR VIOLATIONS.

TOO MUCH INFORMATION IS CLASSIFIED. WE WILL WORK TO REDUCE THE BODY OF CLASSIFIED INFORMATION, BUT THAT CAN'T BE DONE OVERNIGHT. IT WILL TAKE TIME. IN ACTING AGAINST UNAUTHORIZED DISCLOSURES WE SHOULD FOCUS ON REALLY DAMAGING AND CRITICAL DISCLOSURES.

EVEN AS WE IMPROVE DISCIPLINE WITHIN THE GOVERNMENT, THE MEDIA WILL CONTINUE TO COME INTO POSSESSION OF INFORMATION WHICH, IF PUBLISHED, CAN JEOPARDIZE LIVES, DAMAGE NATIONAL SECURITY AND THE INTERNATIONAL RELATIONSHIPS AND THE REPUTATION FOR RELIABILITY OF OUR NATION. MANY IN YOUR PROFESSION RECOGNIZE A RESPONSIBILITY TO WEIGH THESE DANGERS BEFORE RUSHING INTO PRINT OR ONTO THE AIR WAVES. THE TASK IS TO STRIKE THE VERY DELICATE AND DIFFICULT BALANCE BETWEEN THIS RESPONSIBILITY AND THE OBLIGATION TO PROVIDE THE PUBLIC THE INFORMATION IT NEEDS FOR SELF-GOVERNMENT.

MEDIA LEADERS RECOGNIZE THIS AS KATHARINE GRAHAM DID WHEN SHE SAID RECENTLY: "WHEN THE MEDIA OBTAINS ESPECIALLY SENSITIVE INFORMATION, WE ARE WILLING TO TELL THE AUTHORITIES WHAT WE HAVE LEARNED AND WHAT WE PLAN TO REPORT. AND WHILE RESERVING

THE RIGHT TO MAKE THE FINAL DECISION OURSELVES, WE ARE ANXIOUS TO LISTEN TO ARGUMENTS ABOUT WHY INFORMATION SHOULD NOT BE AIRED. [THE MEDIA] WANT TO DO NOTHING THAT WOULD ENDANGER HUMAN LIFE OR NATIONAL SECURITY. WE ARE WILLING TO COOPERATE WITH THE AUTHORITIES IN WITHHOLDING INFORMATION THAT COULD HAVE THOSE CONSEQUENCES."

BEN BRADLEE, IN AN OP-ED PIECE IN THE WASHINGTON POST OF 8 JUNE 1986 SAID: "WE DO CONSULT WITH THE GOVERNMENT REGULARLY ABOUT SENSITIVE STORIES AND WE DO WITHHOLD STORIES FOR NATIONAL SECURITY REASONS, FAR MORE THAN THE PUBLIC MIGHT THINK. THE POST HAS WITHHELD INFORMATION FROM MORE THAN A DOZEN STORIES SO FAR THIS YEAR FOR THESE REASONS." HE THEN WENT ON TO SAY: "WE DON'T ALLOW THE GOVERNMENT--OR ANYONE ELSE--TO DECIDE WHAT WE SHOULD PRINT. THAT IS OUR JOB."

I AGREE THAT NO ONE CAN TELL A PUBLISHER WHAT HE MUST PRINT. ON THE OTHER HAND, CONGRESS HAS ENACTED LEGISLATION WHICH MAKES IT UNLAWFUL TO DISCLOSE OR PUBLISH CERTAIN CATEGORIES OF INFORMATION AND THE MEDIA, LIKE EVERYBODY ELSE, MUST ADHERE TO THE LAW.

THE FIRST AMENDMENT TO THE CONSTITUTION IS CITED TO MAKE THE POINT THAT THE MEDIA SHOULD BE THE SOLE JUDGE OF WHAT SHOULD OR SHOULD NOT BE PRINTED ON NATIONAL SECURITY MATTERS. THE PUBLIC'S RIGHT TO KNOW, HOWEVER, IS NOT ABSOLUTE. WHERE

NATIONAL SECURITY AND FOREIGN POLICY ARE AT ISSUE, THE FIRST AMENDMENT PERMITS DETERMINATIONS BY APPROPRIATE GOVERNMENTAL AUTHORITIES THAT CERTAIN INFORMATION SHOULD NOT BE RELEASED INTO THE PUBLIC DOMAIN. THIS IS WHAT THE CLASSIFICATION SYSTEM IS ALL ABOUT. WHEN THE SANCTITY OF CLASSIFIED INFORMATION IS PROTECTED BY A DULY ENACTED CRIMINAL STATUTE, THOSE WHO WOULD PUBLISH OR OTHERWISE DISCLOSE PROCEED AT THEIR OWN RISK.

IN THE PENTAGON PAPERS CASE, THE SUPREME COURT RULED THAT THE FIRST AMENDMENT OUTLAWED PRIOR RESTRAINT, BUT JUSTICE DOUGLAS AND JUSTICE WHITE, IN CONCURRING OPINIONS, SUPPORTED THE LAW IMPOSING CRIMINAL PENALTIES ON THE PUBLICATION OF INFORMATION ON COMMUNICATIONS INTELLIGENCE.

THIS STATUTE WAS PASSED SHORTLY AFTER WORLD WAR II TO PROTECT CLASSIFIED INFORMATION ABOUT COMMUNICATIONS INTELLIGENCE FROM BEING "KNOWINGLY AND WILLFULLY" PUBLISHED OR IN ANY OTHER WAY MADE AVAILABLE TO AN UNAUTHORIZED PERSON. CONGRESS CAREFULLY LIMITED THE APPLICATION OF THIS PROHIBITION TO COMMUNICATIONS INTELLIGENCE, WHICH IT CALLED "A SMALL DEGREE OF CLASSIFIED MATTER, A CATEGORY WHICH IS BOTH VITAL AND VULNERABLE TO ALMOST A UNIQUE DEGREE." OUR READING OF JAPANESE AND GERMAN COMMUNICATIONS HAD BROUGHT VICTORY IN WORLD WAR II MUCH EARLIER AND SAVED MANY THOUSANDS OF LIVES AND CONGRESS CLEARLY REGARDED COMMUNICATIONS INTELLIGENCE AS ONE OF OUR BEST CHANCES TO LEARN ABOUT OTHER NATIONS' MILITARY PLANS AND OF WARNINGS OF MILITARY ATTACKS AGAINST US.

TODAY, AS MEDIA DISCLOSURE DEPRIVES US OF OUR BEST SOURCE OF WARNING OF TERRORIST AND OTHER THREATS, WE CANNOT JUSTIFY FAILURE TO USE A STATUTE ENACTED BY CONGRESS TO PROTECT THIS SENSITIVE AND IRREPLACEABLE INFORMATION. JUSTICE BYRON WHITE WROTE IN HIS CONCURRING OPINION ON THE CONTROVERSIAL PENTAGON PAPERS CASE IN 1971 THAT THE LANGUAGE IN THE COMMUNICATIONS STATUTE IS "PRECISE." HE WARNED THAT "NEWSPAPERS ARE PRESUMABLY NOW ON FULL NOTICE OF THE POSITION OF THE UNITED STATES AND MUST FACE THE CONSEQUENCES IF THEY PUBLISH."

AS UNAUTHORIZED DISCLOSURES INCREASINGLY DEBILITATE OTHER SOURCES OF INTELLIGENCE FOR WHICH SENATOR DURENBERGER AND HIS COLLEAGUES IN THE CONGRESS APPROPRIATE BILLIONS OF DOLLARS TO DEVELOP AND MAINTAIN, I BELIEVE IT WILL BE NECESSARY FOR THEM IN THEIR NEXT LEGISLATIVE SESSION TO CONSIDER MORE EXPLICIT RESTRICTIONS ON UNAUTHORIZED DISCLOSURE OF OTHER TYPES OF PROPERLY CLASSIFIED INFORMATION.

IN CLOSING, I WANT TO EMPHASIZE THAT I HAVE BEEN GRATIFIED BY THE READINESS OF MANY OF YOU TO CAREFULLY CONSIDER ON OCCASION WITHHOLDING PUBLICATION OF INFORMATION WHICH COULD JEOPARDIZE NATIONAL INTERESTS OR TO PRESENT A STORY IN A WAY THAT MEETS THE PUBLIC NEED YET MINIMIZES POTENTIAL DAMAGE TO INTELLIGENCE SOURCES.

WE RESPECT AND WANT TO COOPERATE WITH YOUR NEED AND OBLIGATION TO REPORT ON NATIONAL SECURITY ISSUES AND THE NATIONAL SECURITY PROCESS. WE ARE PREPARED TO DISCUSS OUR GENERAL POLICIES AND PROCEDURES. WE MAY SOMETIMES NEED TO INSIST ON THE RIGHT TO APPROVE QUOTATIONS OR PRE-PUBLICATION REVIEW TO ENSURE THAT NOTHING IS INADVERTENTLY SAID THAT COULD JEOPARDIZE OUR SOURCES. OUR INFORMATION AND ACTIVITIES ARE TOO LIKELY TO BE TOO CLOSELY RELATED TO SENSITIVE SOURCES OR OPERATIONS FOR US TO HAND OUT JUICY ITEMS FOR JOURNALISTIC SCOOPS.

LET ME RELAY SOME CRITICISMS AND SUGGESTIONS FROM THE INTELLIGENCE COMMUNITY THAT MAY BE OF VALUE TO YOU IN JOURNALISM WHO, LIKE US, REPORT AND ANALYZE AND RELY ON SOURCES. YOU HAVE AS MUCH INTEREST AS WE DO, CERTAINLY, IN THE SECURITY OF THE COUNTRY, AND THE CAPABILITY OF OUR INTELLIGENCE ORGANIZATIONS TO DEAL WITH AN INCREASINGLY DANGEROUS AND COMPLICATED WORLD.

THERE ARE IN OUR GOVERNMENT PEOPLE WHO THINK THEY CAN OBTAIN FAVORABLE PUBLICITY FOR PROGRAMS THEY SUPPORT, ENCOURAGE BAD PRESS FOR PROGRAMS THEY OPPOSE, MAKE THEMSELVES LOOK GOOD IN THE MEDIA, SETTLE A SCORE WITH AN ADVERSARY, OR SIMPLY BASK IN THE REFLECTED GLORY OF THE MEDIA STAR WITH WHOM THEY COOPERATE. THAT'S FAIR GAME, BUT NOT WHEN THEY BREAK THE LAW BY MISHANDLING CLASSIFIED INFORMATION. WHEN THEY DO SO THEIR ACTIONS ARE SOMETIMES FAR MORE DAMAGING THAN WASTE, FRAUD, AND CORRUPTION.

IN THE THOUSANDS OF COLUMN INCHES DEVOTED TO EDITORIALS
CRITICIZING GOVERNMENT ABUSES AND INEFFICIENCIES, ONLY A FEW
HAVE EVER CALLED TO TASK THOSE WHO BETRAY CLASSIFIED INFORMATION
TO THE MEDIA. THERE IS A DOUBLE STANDARD AT WORK HERE WHICH
SAYS A VIOLATION OF TRUST THAT SELLS NEWSPAPERS OR ATTRACTS
TELEVISION VIEWERS IS NOT AS SERIOUS AS ONE WHICH DOES NOT.
WE ASK YOU TO HELP US HOLD BEFORE GOVERNMENT EMPLOYEES THEIR
OBLIGATION OF TRUST AND HONOR.

WE, IN THE INTELLIGENCE COMMUNITY, WILL BE ALERT TO YOUR
CRITICISM AND IN TURN WORK TO BENEFIT FROM IT. WE ARE MAKING
GREATER EFFORTS TO SANITIZE INFORMATION WHICH THE PUBLIC SHOULD
HAVE TO UNDERSTAND THE THREATS WE ALL FACE.

WE ARE EAGER TO DEVELOP BETTER UNDERSTANDING AND CLOSER
COOPERATION BETWEEN YOU IN THE WORKING PRESS, WHO PERFORM SUCH
A VITAL FUNCTION IN OUR SOCIETY, AND THE INTELLIGENCE COMMUNITY,
WHICH PLAYS AN ESSENTIAL ROLE IN PROTECTING THIS NATION. AMERICA
NEEDS A FREE, VIGOROUS PRESS AND IT NEEDS A SUPERIOR INTELLIGENCE
SERVICE. WE CAN HAVE BOTH AS WE SERVE OUR COUNTRY IN VITAL AND
FUNDAMENTAL MATTERS.
